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| 09/925,782      | 08/09/2001  | Rabindranath Dutta   | AUS920010241US1     | 4227             |

7590 01/02/2004

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| EXAMINER |
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EHICHIOYA, FRED I

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2172

DATE MAILED: 01/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/925,782

Applicant(s)

DUTTA ET AL.

Examiner

Fred I. Ehichioya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

## DETAILED ACTION

1. Claims 1 – 27 are pending in this office action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 27 are rejected under 35 U.S.C 102(e) as been anticipated by USPN 6,190,313 issues to Allen J. Hinkle (hereinafter "Hinkle").

With respect to claim 1, Hinkle teaches a method of receiving patient medical information at an aggregate medical server (see column 5, lines 7 – 15);

receiving patient access instructions at the aggregate medical server (see column 5, lines 24 – 27);

receiving an access request from a requestor at the aggregate medical server (see column 10, lines 14 – 30);

determining whether the access request corresponds with the patient access instructions (see column 10, 1 – 13); and

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sending a portion of the patient medical information to the requestor based on the patient access instructions and the access request if the patient access instructions corresponds with the access request (see column 10, lines 14 – 20).

With respect to claim 2, Hinkle teaches patient access instructions include alert instructions (see column 14, lines 41-56).

With respect to claim 3, Hinkle teaches generating alerts save the network to any of a healthcare provider (see column 5, lines 16 – 24),

a patient, a treatment facility or a government agency subsequent to receiving adverse medical data (see column 14, lines 48 – 55).

With respect to claim 4, Hinkle teaches providing a hyperlink to the aggregate server wherein the hyperlink comprises the access request (see column 8, lines 48 59).

With respect to claim 5, Hinkle teaches the hyperlink is provided on a web site for access by the requestor (see column 10, lines 8 – 13).

With respect to claim 6, Hinkle teaches determining whether the access request corresponds with the patient access instructions further comprises implementing at least one security feature (see column 8, lines 15 – 23).

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With respect to claim 7, Hinkle teaches wherein the security feature is selected from a group consisting of a user password, a public, key cryptograph, a digital signature, and an XML based security standard (see column 2, lines 8 16).

With respect to claim 8, Hinkle teaches verifying a portion of the patient medical information with an outside server (see column 10, lines 1 – 13).

With respect to claim 9, Hinkle teaches verifying the portion of the patient 15 medical information comprises determining a patient eligibility (see column 2, lines 17 – 24).

With respect to claim 10, Hinkle teaches updating the patient medical information (see column 2, lines 24 – 28).

With respect to claim 11, Hinkle teaches the patient medical information is selected from a group consisting of a name, a social security number, a plan number, personal information, medical history information, medical claims information, prescription information, insurance company information, billing information, healthcare provider information, record ID, date of service and code (see column 1, lines 66 – 67).

With respect to claim 12, Hinkle the access information comprises level authorization information (see column 10, lines 6 – 7).

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With respect to claim 13, Hinkle teaches wherein level authorization comprises restriction to a patient medical information category (see column 10, lines 14 – 30).

With respect to claim 14, Hinkle teaches the patient medical information category is selected from a group consisting of laboratory services, healthcare providers, pharmacy services and diagnostic services (see column 10, lines 41 – 49).

Claims 15 – 26 are essentially the same as claims 1 – 14 except that it sets forth the claimed invention as a computer usable medium rather than a method and rejected for the same reasons as applied hereinabove.

Claim 27 is essentially the same as claim 1 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

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**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-303-3900.

Fred I. Ehichioya  
Examiner  
Art Unit 2172  
December 29, 2003



**SHAHID ALAM  
PRIMARY EXAMINER**